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A2 P942

: UNITED STATES DEPARTMENT OF AGRICULTURE
 : Production and Marketing Administration
 : Washington 25, D. C.

: Number 163

December 13, 1948

Reserve

PMA PROCEDURE TRANSMITTAL

NOTICE

Some PMA Procedure Manual holders have not re-numbered their PMA Instructions to conform to the revised 200, 300 and 400 series. Continued reference to instructions by their old numbers is causing some confusion. Manual holders who have not done so should renumber PMA Instructions immediately in conformity with Administrative Notices Nos. 100, 105 and 108. Some changes, affecting the above Administrative Notices, are contained in PT Nos. 154 and 156.

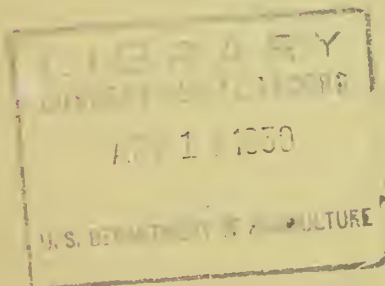
NEW RELEASES

125.6
 12-2-48

FINANCIAL REPORTING REQUIREMENTS UNDER THE RESEARCH AND MARKETING ACT: This procedure provides for the preparation of a special monthly report of obligations by limitations under the Research and Marketing Act funds and a mid-year work project report. These reports are required by the Administrator, Research and Marketing Act, as provided for in his memorandum RMA-49-10. The procedure provides that the report of obligations will be prepared by the Fiscal Branch. The mid-year work project report will be prepared by the branches having responsibility for the respective work projects. Distribution: (A, B, Washington only) Distribution made separately.

203.5
 11-24-48

POLICY WITH RESPECT TO OVERCLAIMS AGAINST CCC: This Instruction establishes the policy to be followed in assessing interest against overpayments resulting from intentional or unintentional overclaims presented to CCC by contractors. It also defines the policies to be followed in collecting overpayments and otherwise protecting the interests of CCC in handling of such matters. Distribution: A, B.

REVISIONS AND CHANGES

101.2
 Exhibit A-22
 10-11-48

ADMINISTRATIVE AUTHORITIES - LIVESTOCK BRANCH: On page 3 of this exhibit, add "Bolling Green, Ohio 7/", under Sandusky, Ohio 7/, in column entitled "Area of Responsibility". Add ditto marks before and after Bolling Green in columns entitled "Approving Official" and "FI Area Office In". Distribution: A, B-05, 22, 26, Field Only.

REVISION AND CHANGES (Continued)

216.2
12-19-46

ACCOUNTING FOR GOVERNMENT REQUESTS FOR TRANSPORTATION: The fiscal offices will no longer be required to perform periodic audits of TR records in PMA branch and staff offices. These periodic audits will hereafter be performed by the Audit Branch. Pages 1 and 2 of this instruction have been revised to reflect this change. Remove pages 1 and 2, dated 12-19-46 from the manual and insert the attached pages 1 and 2, dated 12-7-48. Distribution: A (except A-31), B.

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REMEMBER!!

PMA WILL PAY EMPLOYEES CASH FOR ADOPTED

EMPLOYEE SUGGESTIONS !!

U. S. DEPARTMENT OF AGRICULTURE
PRODUCTION AND MARKETING ADMINISTRATION

POLICY WITH RESPECT TO OVERCLAIMS AGAINST CCC

I PURPOSE

This instruction outlines the policy with respect to collection of interest on overclaims against the Commodity Credit Corporation (hereinafter referred to as the Corporation) and prescribes the method of determining and responsibility for handling claims believed to be fraudulent and in making investigations and prosecuting claimants who make a fraudulent claim. This instruction applies only to Program Funds of the Corporation and not to any Administrative Funds, regardless of the source.

II SCOPE

A Unintentional Overclaims - Any claim against the Corporation for services or goods in an amount in excess of the amount due which is clearly the result of clerical or mechanical error or because of a misunderstanding or misinterpretation of contract provisions shall be handled as an unintentional overclaim in accordance with applicable provisions of this instruction.

B Intentional Overclaims - Any claim against the Corporation for services or goods which is based in whole or in part on any false, fictitious or fraudulent statement, entry, affidavit or certification shall be handled as an intentional overclaim in accordance with applicable provisions of this instruction.

III DETERMINATION OF OVERCLAIM

A Prior to Payment - Whenever an overclaim is discovered prior to payment, the office making the discovery shall determine from the available facts and information whether the overclaim is clearly unintentional as defined in Section II, A of this instruction.

1 If it is determined that the overclaim is clearly unintentional, necessary adjustments shall be made before payment.

2 If it is determined that the overclaim is not clearly unintentional, a memorandum setting forth the pertinent facts, together with any essential or material information, shall be addressed to the Branch or PMA Commodity Office having responsibility for the activity covered by the claim. Payment of the claim shall be withheld pending final determination.

PT- 163	DISTRIBUTION A, B	PAGE 1 (11-24-48)
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POLICY WITH RESPECT TO OVERCLAIMS AGAINST CCC

(III)

B Subsequent to Payment - Whenever an overclaim is discovered subsequent to payment of the claim, the office making discovery shall determine from the available facts and information whether the overclaim was unintentional as defined in Section II, A of this instruction.

1 If it is determined that the overclaim was clearly unintentional, a memorandum setting forth the pertinent facts, together with any essential or material information, shall be addressed to the Fiscal (FI) Branch or the PMA Commodity Office having fiscal responsibility for the payment

2 If it is determined that the overclaim was not clearly unintentional, a memorandum setting forth the pertinent facts, together with any essential or material information, shall be addressed to the Branch or the PMA Commodity Office having responsibility for the activity covered by the claim for final determination.

3 Employees of the Audit Branch who discover apparent overclaims in the course of their regular audit activities shall state all essential facts relating thereto in the applicable audit report.

IV BRANCH OR PMA COMMODITY OFFICE RESPONSIBILITY

A Each Branch or PMA Commodity Office receiving information regarding overclaims not clearly unintentional against the Corporation arising out of activities for which it has responsibility shall also be responsible for:

1 Promptly submitting all pertinent facts to the Compliance and Investigation Branch and requesting a full and complete investigation;

2 Review of the facts disclosed by the investigation and determination of the action to be taken;

a If it is determined that the facts do not support an intentional overclaim, the file shall be forwarded to the Fiscal (FI) Branch or the PMA Commodity Office having responsibility for payment for correction of the amount claimed on the pending voucher, or for collection of the overpayment in accordance with applicable provisions of this instruction:

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(IV A)

b

b If it is determined that the facts support an intentional overclaim or that the facts create a reasonable doubt as to the intentions of the claimant, the file shall be forwarded to the Office of the Solicitor for an opinion, in accordance with provisions of Section V of this instruction.

3 Maintaining adequate records of overclaims received, actions taken and cases pending.

V LEGAL ASSISTANCE

A Requests for Legal Opinions - When the Director of a Branch or of a PMA Commodity Office requests a legal opinion or advice in accordance with the applicable provisions of this Instruction, such requests may be forwarded to the Office of the Solicitor or the Regional Attorney.

B Furnishing and Obtaining Information - The responsible Branch or PMA Commodity Office shall furnish the Office of the Solicitor with information and reports required in prosecution of lawsuits resulting from intentional overclaims arising out of activities under their jurisdiction, and shall be responsible for obtaining from the Office of the Solicitor information concerning the status of litigation matters and claims pending in the Office of the Solicitor.

VI ASSESSMENT OF INTEREST

A Unintentional Overclaims - When it is determined that an overclaim was unintentional, no interest shall be assessed on the amount of the result overpayment providing the claimant makes prompt repayment. If the claimant refuses or ignores a demand for repayment, the case shall be referred to the Office of the Solicitor for filing of lawsuit, in accordance with the provisions of Section V of this Instruction. In such cases it is the policy of the Corporation to recover the maximum amount of interest. This policy has been made known to the Office of the Solicitor. Accordingly, when the case is referred for the filing of lawsuit, interest at the legal rate shall be computed from the date the overclaim was paid, and the amount of this computation shall be included in the amount recommended for recovery.

B Intentional Overclaim - When it is determined that an overclaim was intentional, interest at the legal rate shall be computed

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(VI)

from the date the overclaim was paid, together with a computation of penalties and damages as provided in applicable statutes (28 USC 279, 28 USC 280, 31 USC 231) and the case referred to the Office of the Solicitor for filing of lawsuit. The amount of these computations shall be included in the amount recommended for recovery. The Office of the Solicitor or the Regional Attorney shall be consulted to determine the applicability of statutes dealing with penalties and damages.

VII RESPONSIBILITY OF THE FISCAL BRANCH AND PMA COMMODITY OFFICE

The FI Branch or the PMA Commodity Office having fiscal responsibility shall be responsible for protecting the financial interests of the Corporation in connection with overclaims. Upon discovery of evidence of an overclaim or upon receipt of a copy of a memorandum reporting an overclaim, the FI Branch or the PMA Commodity Office shall, after consultation with the Branch or PMA Commodity Office having responsibility for the activity out of which the overclaim arose and with the Office of the Solicitor or the Regional Attorney, determine the appropriate method to safeguard the Corporation by means of:

A Temporary Withholding of Payments - Payment of the voucher which includes the overclaim, and of any other contracts or claims pending may be temporarily withheld to an amount equal to the overclaim, plus any interest, penalties and damages, pending final determination regarding the indicated overclaim. When payments are temporarily withheld to protect the interests of the Corporation, every effort must be made to arrive at a prompt determination of the extent and amount of the liability to the Corporation. When payment of a voucher is being temporarily withheld, no notification of such action shall be sent to the individual or company concerned.

B Set-off - The amount of the overclaim, plus any interest, penalties or damages may be set-off against any amount owing to the individual or corporation which submitted the overclaim.

C Letters of Demand - When it is determined that an overclaim was unintentional, or that the facts do not support an intentional overclaim, and if there is no voucher on hand which may be withheld from payment or from which set-off may be made, a letter of demand containing an explanation of the overclaim will be forwarded via registered mail to the individual or company which submitted the overclaim.

POLICY WITH RESPECT TO OVERCLAIMS AGAINST CCC

VIII CERTIFYING OFFICERS

Nothing in this Instruction shall be construed to limit the rights or responsibilities of certifying officers.

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U. S. DEPARTMENT OF AGRICULTURE
PRODUCTION AND MARKETING ADMINISTRATION

ACCOUNTING FOR GOVERNMENT REQUESTS FOR TRANSPORTATION

I GENERAL

A Purpose - This Instruction prescribes the procedure for securing Standard Form 1030, "Government Request for Transportation" SF-1030 (TR), or books of TR's, and establishes appropriate accountability therefor.

B Exceptions - The procedure does not apply to the PMA State Office or to the Hawaiian and Caribbean Areas.

C Definitions - A transportation request is an order on the prescribed form for recognized transportation accommodations. Travelers on official business should present such requests to transportation companies in exchange for accommodations where the amount involved is one dollar or more.

II RESPONSIBILITIES

A Administrative Fiscal (AF) Division

1 1 With the exceptions noted in paragraph I above, the AF Division in Washington shall obtain the supplies of TR's for PMA and distribute books of TR's to administrative officers in Washington and to area AF divisions for subdistribution in the field.

2 The AF divisions in Washington and field will be responsible for maintaining adequate master stock control records of all TR's distributed to branches and staff offices.

3 The appropriate AF division will issue and control the issuance of TR's to travelers who are employees of the AF Division when such travelers possess properly executed travel authorizations.

B Audit Branch Responsibility - The Audit Branch shall be responsible for making periodic audits of TR accountability records.

C Accountable Officers

1 The following personnel are designated branch or staff office accountable officers to issue TR's and will request their supplies from the points indicated:

Accountable Officers

Administrative Officers or employees designated by them, of branch and staff offices, Washington

Requisition From

Administrative Fiscal Division
Fiscal Branch, Washington

ACCOUNTING FOR GOVERNMENT REQUESTS FOR TRANSPORTATION

(II C 1)

Accountable Officers

Chiefs of, or employees designated by them, independent accounting field offices, such as Cotton and Grain Branches

Requisition From

Area Administrative Fiscal Division servicing the area in which located (PMA 112.2)

2 Each accountable officer is liable for the safe custody and proper distribution of TR's charged to him. Accountable officers shall maintain accountability records of all TR's furnished them and such records should show the TR's received, issued (used, cancelled) returned, and reissued.

D Employees - Employees to whom TR's have been issued for official travel are accountable for them and chargeable with the amount which is required to be paid by the United States by reason of improper use of such requests resulting from his fault or negligence. Employees who are properly authorized to perform official travel by common carrier facilities will request TR's from the appropriate accountable officer. For other responsibilities see PMA Manual Instruction 211.1, "Authorities Governing Official Travel."

III ACCOUNTABILITY RECORDS AND PROCEDURES

A Branch and Staff Office Accountable Officers1 Establishing Control Records

a Immediately upon receipt of a supply of TR books, the accountable officers shall record on an inventory control the inclusive book numbers and TR numbers.

b In addition, a separate accountability record, Standard Form No. 1120, shall be maintained for each book, but SF-1120 Form PMA (unnumbered), "TR Record Card" may be used for this purpose until the present supply of this form is exhausted. The book number and inclusive numbers of TR's in the book will be indicated on the card and the card will be placed in numerical sequence in a file of unissued TR's.

2 Issuing TR's

a Books - Employees whose duties require frequent travel may be issued books of 5, 10, or 25 TR's provided their travel is